

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**JARED STEGER, DAVID RAMSEY)
JOHN CHRISPENS; GREGORY)
GENTILE; MAI HENRY, individually,)
and on behalf of all others similarly)
situated,)**

Plaintiffs,

v.

**LIFE TIME FITNESS, INC., a)
Minnesota corporation; LTF CLUB)
MANAGEMENT COMPANY, LLC, a)
Delaware Limited Liability Company;)
and LTF CLUB OPERATIONS)
COMPANY, INC., a Minnesota)
Corporation; and DOES 1 to 10,)
Inclusive,)**

Defendants.

CASE NO. 14-cv-6056

Judge Sharon Johnson Coleman

Magistrate Judge Jeffrey Cole

JOINT MOTION FOR MISCELLANEOUS RELIEF

Defendants Life Time Fitness, Inc., LTF Club Management Company, LLC, and LTF Club Operations Company, Inc. (collectively “Defendants”), by and through their attorneys, Eric R. Magnus, Nicky Jatana, Cynthia Emry, and Alison B. Crane of Jackson Lewis P.C., and Plaintiffs Jared Steger, David Ramsey, John Chrispens and Mai Henry, by and through their attorneys, Brian Chase and Jerusalem F. Beligan of Bisnar Chase LLP, Branigan Robertson, Esq. and Michael L. Fradin, Esq., (collectively “Plaintiffs”) (Defendants and Plaintiffs are collectively referred to as “the Parties”) hereby move for an order approving the Amendment to the Joint Stipulation of Class Action Settlement and Release of California Litigation, and continuing the Final Approval Hearing Date to allow time for notice to additional California Class Members. In support of this motion, the Parties state as follows:

1. On October 18, 2017, Plaintiffs filed an Unopposed Motion for Preliminary Approval of Settlement, including the Joint Stipulation of Class Action Settlement and Release of California Litigation as Exhibit 2 to the Declaration of Jerusalem Beligan. *See* Dkt. 190-3. In the Motion for Preliminary Approval, Plaintiffs estimated that the Class involved a total of approximately 135 current and former employees.

2. As defined in the Joint Stipulation of Class Action Settlement and Release of California Litigation, “California Class Members” or “California Settlement Class” means and refers to all persons who were employed by Defendants in the State of California as a Personal Trainer and/or Pilates Instructor/Coordinator or similar nomenclature as defined in the Operative Complaint at any time during the California Class Period.”

3. On November 22, 2017, the Court signed the Order Granting Preliminary Approval of the Class Settlement. *See* Dkt. 197.

4. Consistent with the Court’s Order and the Joint Stipulation of Class Action Settlement and Release of California Litigation, Defendants provided a Class List to the Claims Administrator. That Class List totaled 247 California Class Members.

5. Consistent with the Court’s Order and the Joint Stipulation of Class Action Settlement and Release of California Litigation, the Claims Administrator sent Notice Packets to the California Class Members of the Class List on December 22, 2017. The Claims Deadline was February 5, 2018.

6. During the notice period, the Claims Administrator received inquiries from current and former employees, who asked to be included in the California Settlement Class, claiming they performed personal training services for Defendants in the State of California. Based upon further research and investigation, Defendants learned that although the job profiles

of the employees making inquiries were not specifically delineated within the definition of the California Settlement Class, some of these current and former employees had worked as Personal Trainers for Defendants in the State of California during the California Class Period.

7. As such, Counsel for the Parties met and conferred and agreed that current and former employees holding the following job profiles in California during the Class Period should be explicitly included in the definition of the “California Class Members”: PT- Assistant Manager, PT- Assistant Department Head, PT- Group Training Coordinator, PT- Onboarding Specialist, and Metabolic Specialist.

8. The Parties also discovered that there were approximately 13 current or former employees of Defendants, who submitted “Consent to Join” forms indicating that they had worked for Defendants in the State of California when they were in fact employed by Defendants elsewhere. Counsel for the Parties met and conferred and agreed that those individuals should be explicitly included in the definition of the “California Class Members” and/or “California Settlement Class,” assuming that they otherwise satisfied the definition of a “California Class Member.” Four of those individuals were specifically identified in the Court’s November 22, 2017 Order Granting Preliminary Approval of the Class Settlement. *See* Dkt. 197.

9. The Parties have agreed that, after obtaining Court approval, the Claims Administrator will send Notice Packets to the employees identified in Paragraphs 7 and 8 (with the exception of the four who had been specifically identified in the Court’s Order Granting Preliminary Approval of the Class Settlement and had therefore already received notice), and allow an additional 45 day notice period for these individuals to submit claims.

10. The Parties also seek Court approval of the Amendment to the Joint Stipulation of Class Action Settlement and Release of the California Litigation to reflect these changes to the definition of “California Class Members” and/or “California Settlement Class.” *See* Exhibit A attached hereto.

11. In addition, all briefs in support of the proposed Settlement and the Final Approval and all briefs in support of Class Counsels’ requests for awards of attorneys’ fees and litigation costs, as well as Class Representative enhancement and Claims Administration expenses are presently to be served and filed by February 19, 2018. The Parties request that this date be continued until on or after April 19, 2018.

12. Finally, the Parties also request that the current Final Approval Date of March 6, 2018 at 10:00 a.m. be continued to May 7, 2018 or to a date thereafter.

WHEREFORE, the Parties respectfully request that this Court order as follows:

- 1) Approve the Amendment to the Joint Stipulation of Class Action Settlement and Release of the California Litigation attached as Exhibit A;
- 2) Continue the date by which all briefs in support of the proposed Settlement and the Final Approval and all briefs in support of Class Counsels’ requests for awards of attorneys’ fees and litigation costs, as well as Class Representative enhancement and Claims Administration expenses from February 19, 2018 until on or after April 19, 2018;
- 3) Continue the Final Approval Date of March 6, 2018 for a period of at least 60 days to May 7, 2018 or a date thereafter; and

4) Any further or other relief as the Court deems just and proper.

Date: February 16, 2018

Respectfully submitted,

/s/ Eric R. Magnus

Eric R. Magnus (admitted *pro hac vice*)

Jackson Lewis P.C.

1155 Peachtree Street NE, Suite 1000

Atlanta, Georgia 30309-3600

(404) 525-8200

magnuse@jacksonlewis.com

Alison B. Crane

Jackson Lewis P.C.

150 North Michigan Avenue, Suite 2500

Chicago, Illinois 60601

(312) 787-4949

alison.crane@jacksonlewis.vom

Nicky Jatana (admitted *pro hac vice*)

Cynthia J. Emry (admitted *pro hac vice*)

Jackson Lewis P.C.

725 South Figueroa Street, Suite 2500

Los Angeles, CA 90017

(213) 689-0404

JatanaN@jacksonlewis.com

emryc@jacksonlewis.com

Attorneys for Defendants

Date: February 16, 2018

/s/ Michael L. Fradin

Michael L. Fradin

Attorney at Law

8401 Crawford Ave., Ste, 104

Skokie, Illinois 60076

(847) 644-3425

mike@fradinlaw.com

/s/ Jerusalem F. Beligan

Jerusalem F. Beligan

Bisnar Chase

1301 Dove Street, Suite 120

Newport Beach, CA 92660

(949) 752-2999
jbeligan@bisnarchase.com

/s/ *Branigan Robertson*
Branigan Robertson
Branigan Robertson, Inc.
9891 Irvine Center Drive, Suite 200
Irvine, CA 92618
(949) 667-3025
branigan@brobertsonlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on February 16, 2018, he caused a true and correct copy of the foregoing *Joint Motion for Miscellaneous Relief* to be filed with the Court by electronic filing protocols, and that same will therefore be electronically served upon all attorneys of record registered with the Court's ECF/CM system, including:

Michael L. Fradin
Attorney at Law
8401 Crawford Ave., Ste, 104
Skokie, Illinois 60076
mike@fradinlaw.com

Jerusalem F. Beligan
Bisnar Chase
1301 Dove Street, Suite 120
Newport Beach, CA 92660
jbeligan@bisnarchase.com

Branigan Robertson
Branigan Robertson, Inc.
9891 Irvine Center Drive, Suite 200
Irvine, CA 92618
branigan@brobertsonlaw.com

/s/ Eric R. Magnus